

Making the Switch to Electronic CHIPS



Hon. Janet Barke Cain

Carver County District Court
Member, Juvenile Protection, Adoption,
and GAL Rules Committee



Hon. John McBride

Washington County District Court
Chair, Juvenile Protection, Adoption,
and GAL Rules Committee



**MINNESOTA
JUDICIAL BRANCH**

*To provide justice through a system that
assures equal access for the fair and timely
resolution of cases and controversies.*

MJB Mission Statement

Electronic CHIPS Cases

- **CHIPS records electronically accessible since July 1, 2015**
- **Changes in practices required**
- **Presentation focuses on common issues**

Restrictions on Public Access

- **No public remote access to CHIPS records**
- **Public may access at courthouse terminals**
- **Remote access for government partners**
- **Technology restricts searches by participant names**
- **Technology in development to restrict searches by party names**

Segregation and Sanctions

- **Everyone must segregate confidential information and documents.**
- **Filers who don't segregate may be sanctioned.**
- **Judges should enforce the segregation requirements.**

What case types require segregation?

- Segregation is required in ALL juvenile protection case types:
 - ✓ CHIPS (including truancy and runaway)
 - ✓ Neglected and in foster care
 - ✓ Review of voluntary foster care
 - ✓ Review of out-of-home placement
 - ✓ Termination of parental rights
 - ✓ Permanent placement
 - ✓ Court review of voluntary foster care for treatment (permanency – Minn. Stat. § 260D.07)

What case types don't require segregation?

- **Adoption cases:**
 - ✓ No public access to any adoption records
 - ✓ Not governed by the Juvenile Protection rules

Who needs to segregate?

- **EVERY person (except a judge) who files any document in a juvenile protection case is responsible for segregating appropriately, including:**
 - ✓ All attorneys
 - ✓ All social workers
 - ✓ All guardians ad litem
 - ✓ All self-represented parents
 - ✓ Everyone else – including participants

Who can be sanctioned?

- **Anyone who files can be sanctioned.**
- **Individuals and agencies can be sanctioned.**
- **Judges have discretion to choose sanctions.**

What are the sanctions?

- **Committee didn't propose sanctions language – Supreme Court chose to add it**
- **Judicial discretion: rule says “appropriate sanctions.”**
- **Court administration staff won't strike pleadings, except on order of the judge.**

How to Segregate

- **Form 11.3 is a cover sheet for confidential documents.**
 - ✓ **Form 11.3 is public, while the documents filed with it are confidential.**
- **Form 11.4 is for confidential information.**
 - ✓ **Form 11.4 is confidential, while the documents filed with it are public.**
 - ✓ **Form 11.4 is NOT a cover sheet for other documents.**

Form 11.3

State of Minnesota

County

District Court

Judicial District:

Court File Number:

Case Type:

Juvenile

In the Matter of the Welfare of the Child(ren) of:

Confidential Document Cover Sheet

(Form 11.3)

Minn. R. Juv. Prot. P. 8.04, subd. 5

☐ Parent(s) ☐ Legal Custodian(s)

This Confidential Document Cover Sheet is accessible to the public. The documents referenced in this Cover Sheet shall not be accessible to the public except by court order.

INSTRUCTIONS: Check only the boxes that apply.

- ☐ Official transcripts of testimony taken during portions of proceedings that are closed by the presiding judge
- ☐ Audio or video recordings of a child alleging or describing physical abuse, sexual abuse, or neglect of any child
- ☐ Victims' statements
- ☐ Medical records (such as medical bills, lab results, or any document that refers to HIV)
- ☐ Chemical dependency evaluations and records
- ☐ Psychological evaluations and records
- ☐ Psychiatric evaluations and records
- ☐ Sexual offender treatment program reports
- ☐ Photographs or portions of photographs that identify a child
- ☐ Documents that are confidential under Minnesota Juvenile Protection Procedure Rule 8.04, subd. 2(i)
- ☐ Notice of pending court proceedings provided to an Indian tribe by the responsible social services agency pursuant to the Indian Child Welfare Act
- ☐ The child's education, physical health, and mental health records contained in or attached to the case plan required under Minnesota Statutes § 260C.212, subd. 1, and identified as inaccessible under Rule 37.02, subd. 3(b)

Form 11.4

CONFIDENTIAL

State of Minnesota

County

District Court

Judicial District:

Court File Number:

Case Type:

Juvenile

In the Matter of the Welfare of the Child(ren) of:

Confidential Information Form

(Form 11.4)

☐ Parent(s) ☐ Legal Custodian(s)

Minn. R. Juv. Prot. P. 8.04, subd. 5

This form shall not be accessible to the public except by court order. This form shall be accessible to case participants as authorized by the court. This form shall be accessible to case parties unless it contains information in sections 3 (identity of reporter of abuse) or 4 (HIV-related information), in which case it shall be accessible to the parties as authorized by the court.

1. Name, address, home, or location of any shelter care or foster care facility in which a child is placed under a court order.

Reference in Document	Name of Shelter/Foster Care Facility or Parent	Shelter/Foster Care Address	Child in Shelter/Foster Care
Shelter Facility or Foster Parent 1			
Shelter Facility or Foster Parent 2			
Shelter Facility or Foster Parent 3			

2. Information that identifies a child as a victim of an alleged or adjudicated sexual assault.

Reference in document	Child's First and Last Name	Child's Date of Birth (mm/dd/yyyy)	Child's Gender	Child's Race
Child 1				
Child 2				
Child 3				
Child 4				

Form 11.4 is NOT a cover sheet

STATE OF MINNESOTA
COUNTY OF WALLEYE

DISTRICT COURT
ELEVENTH JUDICIAL DISTRICT
JUVENILE DIVISION

In the Matter of the Child(ren) of:

Angela Anderson and Robert Johnson,

Petition Confidential Addendum
Court File No: _____

Parent(s).

This Addendum contains information that is confidential under the Juvenile Protection Procedure Rules or other law. For that reason, this Addendum is accessible only to the parties, their attorneys, any Guardian ad Litem and as directed by the court. This Addendum shall not be accessible to the participants or the public without a court order.

The facts upon which your petitioner relies to establish probable cause:

The child, Janet Johnson, is a child with unresolved mental health issues for which she is not receiving appropriate services. It has been reported that the child's mother, Angela Anderson, contacted law enforcement on August 1, 2015 reporting that her daughter, Sarah Johnson, was a runaway. The child's mother indicated that she believed the child was at the home of her father, Robert Johnson. Officers arrived at the address and learned that the parents were never married and recently ended their relationship. Mr. Johnson stated his daughter did not want to be with her mother because she is scared of her. Mr. Johnson stated his daughter was being **molested by her mother**. The child's father reportedly has no custodial rights to the child.

Form 11.4 is NOT a cover sheet

The child is not an Indian as defined in ICWA.

The facts upon which your petitioner relies to establish probable cause:

See Confidential Addendum to Petition, which is attached and incorporated by reference.

I declare under penalty of perjury that everything I have stated in this document is true and correct.

/s/ Sarah Social Worker

Signed on August 1, 2015 in the County of Walleye, State of Minnesota

Only Confidential Information on 11.4

The child is not an Indian as defined in ICWA.

The facts upon which your petitioner relies to establish probable cause:

The child, Child 1 (see Confidential Form 11.4 for Child 1's identity), is a child with unresolved mental health issues for which the child is not receiving appropriate services. It has been reported that the child's mother, Angela Anderson, contacted law enforcement on August 1, 2015 reporting that Child 1 was a runaway. The child's mother indicated that she believed Child 1 was at the home of the father, Robert Johnson. Officers arrived at the address and learned that the parents were never married and recently ended their relationship. Mr. Johnson stated Child 1 did not want to be with the mother because Child 1 is scared of her. Mr. Johnson stated Child 1 was being molested by the mother. The child's father reportedly has no custodial rights to the child.

I declare under penalty of perjury that everything I have stated in this document is true and correct.

/s/ Sarah Social Worker

Signed on August 1, 2015 in the County of Walleye, State of Minnesota

Only Confidential Information on 11.4





Shelter Facility or Foster Parent 1			
Shelter Facility or Foster Parent 2			
Shelter Facility or Foster Parent 3			

2. Information that identifies a child as a victim of an alleged or adjudicated sexual assault.

Reference in document	Child's First and Last Name	Child's Date of Birth (mm/dd/yyyy)	Child's Gender	Child's Race
Child 1	Sarah Johnson	08/01/2000	Female	White
Child 2				
Child 3				
Child 4				

MNCIS Display

Chronological View

08/20/2015	Report of Social Worker-CHIPS	59	
08/20/2015	CHIPS Confidential Information Form 11.4	60	
08/21/2015	Report of Guardian Ad Litem- CHIPS	61	
08/21/2015	CHIPS Confidential Information Form 11.4	62	

Related View

08/20/2015	Report of Social Worker-CHIPS	59	
08/20/2015	CHIPS Confidential Information Form 11.4	60	
08/21/2015	Report of Guardian Ad Litem- CHIPS	61	
08/21/2015	CHIPS Confidential Information Form 11.4	62	

BenchWorks Display

CHIPS Confidential Information Form 11.4		08/21/2015			No	View Annotate Favorite
Report of Guardian Ad Litem- CHIPS		08/21/2015			No	View Annotate Favorite
CHIPS Confidential Information Form 11.4		08/20/2015			No	View Annotate Favorite
Report of Social Worker-CHIPS		08/20/2015			No	View Annotate Favorite

Child Victims of Sexual Assault

- **The identity of a child who is an alleged victim of sexual assault is confidential information**
 - ✓ Not just the name
 - ✓ Also the child's age, race, and gender
- **If the child's mother is a minor and a victim of sexual assault, her identity is not confidential**
 - ✓ It's only confidential in a case filed for her protection
 - ✓ A judge can issue a protective order making her identity confidential

Shelter Care or Foster Care Information

- **Current court-ordered placements in “shelter care or foster care facilities” must be segregated**
- **Placement history is not confidential unless it reveals the current placement**
- **Change of foster care location form under review**

Placements with Parents or Relatives

- **Placements with parents (custodial or non-custodial) are not confidential, even if they're court-ordered.**
- **Neither are placements with relatives.**
- **They aren't placements with "shelter or foster care facilities."**

Records Attached to Case Plans

- **Education, physical health, and mental health records attached to case plans are confidential.**
- **Educational records attached to other documents are public.**
- **Physical or mental health records will usually qualify as “medical records” and are confidential even if not attached to case plans.**
- **Filers may seek protective orders.**

Segregation Requires Separation

- **Forms 11.3 and 11.4 need to be filed as separate documents**
 - ✓ **Form 11.3 is public, but the confidential documents filed with it are confidential**
 - ✓ **Form 11.4 is confidential, but the documents filed with it are public**
- **Don't staple them together (on paper), and don't file them as a single PDF (electronically)**

Court Orders

- **Court orders publicly accessible even if they have confidential information**
- **Information inaccessible only if in confidential attachment**
- **Issue for orders appointing Guardians ad Litem or attorneys for children with confidential identities**
 - ✓ **Order should authorize disclosure of identity by Guardian or attorney**

Proposed Orders

- **Practices for submitting proposed orders vary from court to court and from judge to judge.**
- **If you file a proposed order with the court, you need to segregate confidential information from it.**

Cases With Child Parties

- **Children named as parties in cases such as truancy, runaway, or sexually exploited youth.**
- **These cases are currently confidential. (Does not include cases in which the mother is under 18)**
- **Forms 11.3 and 11.4 are still required.**
- **Children can have attorneys even if they're not parties.**
- **Do not name children as parties to make a case confidential.**

Adapting to the New Rules

- **Children's Justice Initiative teams should discuss how to adapt to the new rules in their counties**
- **If you have questions about your obligations under the new rules, please contact State Court Administration rather than local court staff:**

State.CHIPS.Rules.Questions@courts.state.mn.us

Additional Training Opportunity

- **WebEx sessions in October will address the amendments in detail:**
 - ✓ **Wednesday, October 21, 3:00 – 4:30**
 - ✓ **Thursday, October 22, 11:00 – 12:30**
 - ✓ **Friday, October 23, 8:30 – 10:00**
- **Watch for an email to register**

Questions?

